

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 17, 2015

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Bair, absent and formally excused by the Chair; and Senators Bayer, Brackett, Cameron, and Den Hartog, absent and excused.

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Karessa Love, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 16, 2015, was read and approved as corrected.

HAGEDORN, Vice-Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bayer and Den Hartog were recorded present at this order of business.

February 17, 2015

The JUDICIARY AND RULES Committee reports that [SJM 101](#), [SCR 105](#), [SCR 106](#), [SCR 107](#), [SCR 108](#), [SCR 109](#), [SCR 110](#), [SCR 111](#), [S 1095](#), [S 1096](#), [S 1097](#), [S 1098](#), [S 1099](#), [S 1100](#), [S 1101](#), and [S 1102](#) have been correctly printed.

HAGEDORN, Vice-Chairman

On request by Senator Davis, granted by unanimous consent, [SCR 105](#) and [SCR 106](#) were referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, [SCR 107](#) and [SCR 108](#) were referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, [SCR 109](#), [SCR 110](#), and [SCR 111](#) were referred to the Health and Welfare Committee.

[SJM 101](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1095](#) was referred to the Judiciary and Rules Committee.

[S 1096](#) and [S 1097](#) were referred to the Education Committee.

[S 1098](#), [S 1099](#), and [S 1100](#) were referred to the Resources and Environment Committee.

[S 1101](#) was referred to the Health and Welfare Committee.

[S 1102](#) was referred to the State Affairs Committee.

February 16, 2015

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Debra Field to the State Board of Correction, term to expire January 1, 2017.

Jean Fisher to the Sexual Offender Management Board, term to expire January 1, 2018.

John Burnham to the Sexual Offender Management Board, term to expire January 1, 2018.

Shane Evans to the Sexual Offender Management Board, term to expire January 1, 2018.

HAGEDORN, Vice-Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 13, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that George Eskridge of Dover, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing January 8, 2015, and expiring June 30, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 16, 2015

Dear Mr. President:

I transmit herewith [H 61](#), [H 62](#), and [H 64](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 61](#), [H 62](#), and [H 64](#) were filed for first reading.

February 17, 2015

Dear Mr. President:

I transmit herewith Enrolled [H 77](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 77](#) and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 61](#), [H 62](#), and [H 64](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1026](#), [S 1027](#), and [S 1029](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, [HCR 2](#) retained its place on the calendar for Thursday, February 19, 2015.

Senators Cameron and Brackett were recorded present at this order of business.

The President announced that [SCR 104](#) was before the Senate for final consideration.

Moved by Senator Schmidt, seconded by Senator Martin, that [SCR 104](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Bair, Patrick. Total - 2.

Total - 35.

Whereupon the President declared [SCR 104](#) adopted, title was approved, and the resolution ordered transmitted to the House.

At this time Senator Davis arose on a point of personal privilege to announce that two distinguished visitors had arrived, and the President appointed President Pro Tempore Hill and Senators Lakey and Werk to escort United States Senators Michael D. Crapo and James E. Risch, into the Senate Chamber where they addressed the members of the Senate.

The President thanked United States Senators Crapo and Risch for their remarks and President Pro Tempore Hill and Senators Lakey and Werk escorted the Senators from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1037](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Martin arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bair. Total - 1.

Total - 35.

Whereupon the President declared [S 1037](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called Senator Werk to the Chair.

[S 1020](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bair. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1020](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1031](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bair. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1031](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1042](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bair. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1042](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1043](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little returned to the Chair.

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bair. Total - 1.

Total - 35.

Whereupon the President declared [S 1043](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1011](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Ward-Engelking and Acting Senator Johnson disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Heider, Hill, Johnson, Lacey, Lakey, Lee, Martin, McKenzie, Mortimer, Patrick, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Ward-Engelking, Werk. Total - 25.

NAYS—Bayer, Hagedorn, Keough, Johnson (Lodge), Nonini, Nuxoll, Rice, Vick, Winder. Total - 9.

Absent and excused—Bair. Total - 1.

Paired and voting included in roll call:

AYE - Heider

NAY - Nuxoll

Total - 35.

Whereupon the President declared [S 1011](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Werk, by voice vote, the Senate adjourned at 1 p.m. until the hour of 10:45 a.m., Wednesday, February 18, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary